Amendments To The Claims

1. (presently amended) A rackable gate for a fence on terrain having a non-level contour, comprising:

a gate panel with spaced-apart rails that each define a lateral side and a first edge and a second edge thereof, the first edge spaced apart from the second edge, and ~~connected to~~ a plurality of spaced-apart parallel first pickets sitting on the lateral side and fastened thereto at the first edge;

a second picket disposed parallel and spaced from an adjacent one of the first pickets sitting on the lateral side of the rails and fastened thereto at the second edge ~~fastened to the respective rails on a side opposing the fastening of the first pickets to the respective rail~~;

a pair of opposing gate posts, each defining openings in a side wall, the openings being spaced-apart to conform to the spacing of the rails, the openings receiving ~~distal~~ opposing distal ends of the rails and pivotally secured thereat,

whereby during racking of the gate panel by moving the gate posts in opposing directions parallel to a longitudinal axis of the second pickets to orient the rails at an oblique angle relative to the first and second pickets to track the contour of the terrain, the fastening of the second picket on the second edge opposing the fastening of the first pickets on the first edge and the opposing ends of the rails received in the gate posts cooperatively restrict the rails ~~are restricted~~ from pivoting laterally from the pickets ~~by the opposing fastening on the second picket pickets and the opposing distal end of the rail received in the gate post~~.

2. (presently amended) The rackable gate as recited in claim 1, wherein the fastening of the pickets at the first and second edges comprise flexible mild steel welds.

3. (presently amended) The rackable gate as recited in claim 1, wherein the gate panel is selectively racked during installation between about 0 and 20 degrees relative to ~~the~~ an angle at which the rails are disposed when the rails and pickets are initially ~~attached~~ fastened together.

4. (original) The rackable gate as recited in claim 1, wherein the angle at which the rails are disposed is between about 0 degrees and 60 degrees.

5. (original) The rackable gate as recited in claim 4 , wherein the gate panel is selectively racked during installation between about 0 and 20 degrees relative to the angle at which the rails are disposed when the rails and pickets are initially attached together.

6. (presently amended) The rackable gate as recited in claim 1, wherein the angle at which the rails are disposed is selected from the group ~~comprising~~ consisting of the angles of about 0 degrees, 20 ~~degree~~ degrees, 40 ~~degree~~ degrees, and 60 degrees.

7. (original) The rackable gate as recited in claim 6 , wherein the gate panel is selectively racked during installation between about 0 and 20 degrees relative to the angle at which the rails are disposed when the rails and pickets are initially attached together.

8. (original) The rackable gate as recited in claim 1, wherein the rails are four-wall tubular members.

9. (presently amended) A rackable gate readily adjustable to track substantially a slope of a terrain during installation thereof in a fence, comprising:

a first elongate rails and a second elongate rail ~~pair of elongate rails~~ disposed in parallel spaced-apart relation and at an angle relative to horizontal to define a longitudinal length of a gate panel, the rails each defining a lateral side surface and opposing first and second side edges spaced-apart thereof;

a plurality of first pickets disposed in parallel and spaced-apart relation, sitting on the lateral side surface of the rails and attached to the first and the second rails by a fastener ~~fasteners~~ between the respective first picket and the first side edge of the rails;

a second picket disposed in parallel and spaced-apart relation to an adjacent one of the first pickets and attached to the first and the second rails by a fastener ~~fasteners~~ between the second picket and the second side edge of the rails; and

opposing gate posts defining openings in which respective distal ends of the rails are pivotally secured,

whereby the rackable gate during installation in a fence over a terrain is adjustable to the slope of a portion of the terrain by moving opposing ends of the gate panel in opposing directions transverse to ~~the~~ a longitudinal axis of the rails while the pickets remain substantially perpendicular to horizontal and the fastening of the second picket on the second edge opposing the fastening of the first pickets on the first edge restrict the rails ~~are restricted~~ from pivoting laterally away from the first and second pickets ~~rails~~.

10. (presently amended) The rackable gate as recited in claim 9, wherein the fasteners attaching the first and second pickets to the rails at the respective first and second edges comprise flexible mild steel welds.

11. (original) The rackable gate as recited in claim 10, wherein the angle at which the rails are disposed is between about 0 degrees and 60 degrees.

12. (original) The rackable gate as recited in claim 11, wherein the gate panel is selectively racked during installation between about 0 and 20 degrees relative to the angle at which the rails are disposed when the rails and pickets are initially attached together.

13. (original) The fence panel as recited in claim 10, wherein the rails are four-wall tubular members.

14. (presently amended) A method of making a gate for tracking a sloped grade during installation of a fence over a terrain, comprising the steps of:

(a) disposing a first rail parallel and spaced-apart from a second rail at an angle to a horizontal plane to define a longitudinal length of a fence panel, the rails each defining a lateral side surface having opposing first and second side edges spaced-apart thereof;

(b) sitting ~~attaching~~ a plurality of first pickets onto the lateral side surface of the rails substantially perpendicular to the horizontal plane;

(c) attaching the first pickets thereto with a fastener ~~fasteners~~ between the first pickets and the first side edge of the rails;

(~~c~~ d) ~~attaching~~ sitting a second picket onto the lateral aide surface ~~at end portions~~ of the rails substantially perpendicular to the horizontal plane;

(e) attaching the second picket thereto with a fastener ~~by fasteners~~ between the second picket and the second side edge of the rails; and

(~~d~~ f) pivotally securing distal ends of the rails in openings defined in opposing posts,

whereby the gate, being racked by moving the opposing posts in opposing directions transverse to ~~the~~ a longitudinal axis of the rails, conforms the slope of the rails substantially to the slope of the portion of the terrain by changing the angle between the pickets and the rails in a plane defined by lateral side surface of the rails while the pickets remain substantially perpendicular to horizontal and the fastening of the second picket on the second edge opposing the fastening of the first pickets on the first edge restrict the rails from pivoting laterally from the pickets .